



Linda S. Adams
*Secretary for
Environmental Protection*

California Environmental Protection Agency

Air Resources Board • Department of Pesticide Regulation • Department of Toxic Substances Control
Integrated Waste Management Board • Office of Environmental Health Hazard Assessment
State Water Resources Control Board • Regional Water Quality Control Boards



Arnold Schwarzenegger
Governor

Certified Mail: 7003 1680 0000 6174 8678

October 16, 2007

Mr. Tim Potanovic, Director
County of Tehama
Department of Environmental Health
633 Washington Street, Room 36
Red Bluff, California 96080-3320

Dear Mr. Potanovic:

The California Environmental Protection Agency (Cal/EPA) conducted a program evaluation of Tehama County Environmental Health Department Certified Unified Program Agency (CUPA) on September 19, 2007. The evaluation was comprised of an in-office program review. The State evaluator completed a Certified Unified Program Agency Evaluation Summary of Findings with your agency's program management staff, which includes identified deficiencies, with preliminary corrective actions and timeframes, program observations and recommendations, and examples of outstanding program implementation.

The enclosed Evaluation Summary of Findings is now considered final and based upon review, I find that Tehama County Environmental Health Department program performance is satisfactory with some improvement needed. To complete the evaluation process, please submit Deficiency Progress Reports to Cal/EPA that depict your agencies progress towards correcting the identified deficiencies. Please submit your Deficiency Progress Reports to Jennifer Lorenzo every 90 days after the evaluation date. The first deficiency progress report is due on December 18, 2007.

Cal/EPA also noted during this evaluation that Tehama County Environmental Health Department has worked to bring about a number of local program innovations, including their service and compliance assistance-oriented outreach to the regulated business community. We will be sharing these innovations with the larger CUPA community through the Cal/EPA Unified Program web site to help foster a sharing of such ideas statewide.

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Thank you for your continued commitment to the protection of public health and the environment through the implementation of your local Unified Program. If you have any questions or need further assistance, you may contact your evaluation team leader or Jim Bohon, Manager, Cal/EPA Unified Program at (916) 327-5097 or by email at jbohon@calepa.ca.gov.

Sincerely,

[Original signed by Don Johnson]

Don Johnson
Assistant Secretary
California Environmental Protection Agency

cc: Please see next page.

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cc: Mr. Larry Olson (Sent Via Email)
County of Tehama
Department of Environmental Health
633 Washington Street, Room 36
Red Bluff, California 96080-3320

Mr. Kevin Graves (Sent Via Email)
State Water Resources Control Board
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Sacramento, California 94244-2102

Ms. Terry Brazell (Sent Via Email)
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Mr. Ben Ho (Sent Via Email)
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Mr. Brian Abeel (Sent Via Email)
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Ms. Maria Soria (Sent Via Email)
Department of Toxic Substances Control
700 Heinz Avenue, Suite 200
Berkeley, California 94710-2721

Mr. Charles McLaughlin (Sent Via Email)
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CERTIFIED UNIFIED PROGRAM AGENCY EVALUATION SUMMARY OF FINDINGS

CUPA: TEHAMA COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

Evaluation Date: September 19, 2007

EVALUATION TEAM

Cal/EPA: Jennifer Lorenzo

This Evaluation Summary of Findings includes the deficiencies identified during the evaluation, program observations and recommendations, and examples of outstanding program implementation activities. The evaluation findings are preliminary and subject to change upon review by state agency and CUPA management. Questions or comments can be directed to Jennifer Lorenzo at (916) 327-9560.

	<u>Deficiency</u>	<u>Preliminary Corrective Action</u>
1	The CUPA is not assessing CalARP state surcharge. The CUPA regulated three CalARP facilities in fiscal year (FY) 04/05 and two CalARP facilities in FY 05/06. However, the CUPA did not assess the CalARP state surcharge for these facilities. CCR, Title 27, Section 15250 (a) [Cal/EPA]	By December 18, 2007, the CUPA will assess the FY 07/08 CalARP state surcharge on each business regulated under the CalARP program.
2	The CUPA is not fully tracking and reporting all items requested on their Annual Inspection Summary Report 3. For example, the CUPA did not report all the numbers for Return to Compliance (RTC), regulated businesses inspected, other inspections conducted, and integrated or multi-media inspections in the last three fiscal years. The primary reason for the inaccurate reports has been due to data system related issues. CCR, Title 27, Section 15290 (a)(2) [Cal/EPA]	By September 30, 2008, while the CUPA continues to improve their database management system (SWEEPS), the CUPA will ensure that the information reported on the Annual Inspection Summary Report 3 will be complete. Before submittal of the report, the CUPA will verify that the data reported are as accurate as possible.
3	The CUPA is not fully tracking and reporting violations information and enforcement actions taken on their Annual Enforcement Summary Reports. CCR, Title 27, Section 15290 (a)(3) [Cal/EPA]	By September 30, 2008, while the CUPA continues to update and improve their database management system, the CUPA will ensure that the violations and enforcement data on the Annual Enforcement Summary Report 4 will be complete and as accurate as possible.

Certified Unified Program Agency (CUPA)
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4	<p>The CUPA is not inspecting each business plan facility at least once every three years. The last three Annual Inspection Summary Reports indicate the following:</p> <ul style="list-style-type: none"> • In FY 03/04, 21% business plan facilities were inspected; • In FY 04/05, 26% business plan facilities were inspected; and • In FY 05/06, 30% business plan facilities were inspected. <p>HSC, Chap. 6.95, Section 25508 (b) [Cal/EPA]</p>	<p>On an annual basis, the CUPA will inspect approximately a third of its business plan facilities. Beginning December 18, 2007, the CUPA will submit a status of their progress, including the number of facilities inspected.</p>
5	<p>The CUPA is not implementing and enforcing the requirements of the business plan program for all regulated businesses. The CUPA is not regulating farms and agricultural facilities that are subject to the business plan program. Farms have not submitted a business plan to the CUPA and have not been inspected for compliance with the program.</p> <p>CCR, Title 19, Sections 2729 and 2729.1 [Cal/EPA]</p>	<p>The CUPA will incorporate the farms within their jurisdiction into the business plan program. By December 18, 2007, meet with and confer with the Agricultural Commissioner's Office on the subject of farm inspections and the business plan program. By March 17, 2008, develop a procedures manual in conjunction with the Agricultural Commissioner's Office.</p>
6	<p>The CUPA is not conducting hazardous waste generator inspections with a frequency consistent with their Inspection and Enforcement Program Plan, which is triennial. The last three Annual Inspection Summary Reports indicate the following:</p> <ul style="list-style-type: none"> • In FY 03/04, 11% hazardous waste generator facilities were inspected; • In FY 04/05, 20% hazardous waste generator facilities were inspected; and • In FY 05/06, 22% hazardous waste generator facilities were inspected. <p>CCR, Title 27, Section 15200 (a)(3)(A) [Cal/EPA]</p>	<p>On an annual basis, the CUPA will inspect approximately a third of its hazardous waste generator facilities. Beginning December 18, 2007, the CUPA will submit a status of their progress, including the number of facilities inspected.</p>
7	<p>The CUPA does not have a mechanism to receive comments or feedback from the public or regulated business community, such as a customer service survey form.</p> <p>CCR, Title 27, Section 15180 (e)(1)(A) [Cal/EPA]</p>	<p>By December 18, 2007, the CUPA will develop a survey or questionnaire to obtain feedback or comments from the public and regulated facilities. The survey or questionnaire should be readily available at the CUPA's office and may also be mailed to the regulated businesses.</p>

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CUPA Representative	<u>LARRY OLSON</u> (Print Name)	<u>Original Signed</u> (Signature)
Evaluation Team Leader	<u>JENNIFER L. LORENZO</u> (Print Name)	<u>Original Signed</u> (Signature)

Certified Unified Program Agency (CUPA)
Evaluation Summary of Findings

PROGRAM OBSERVATIONS AND RECOMMENDATIONS

The observations and recommendations provided in this section address activities the CUPA are implementing and/or may include areas for continuous improvement not specifically required of the CUPA by regulation or statute.

1. **Observation:** The CUPA has a single fee collection rate of approximately 97%, 100%, and 93% for the last three fiscal years.

Recommendation: The CUPA is able to collect its fees at a high rate and is encouraged to continue to do so.

2. **Observation:** The CUPA's self-audit reports are well-written, providing concise summary of all the program activities, including single fee activities, fee accountability program, and the CalARP performance audit. Recommendations for improvement are included as program objectives for the next fiscal year. In addition, the CUPA's files are well-maintained and filed in a very organized manner.

Recommendation: The CUPA is encouraged to continue to maintain and organize all files. Also, keep up the good work with the self-audit reports.

3. **Observation:** The inspection report forms for all programs did not have consent to inspect the facility.

Recommendation: The CUPA is encouraged to include a consent statement on the inspection report, including the signature lines for the owner or a representative of the regulated business and the CUPA inspector. In the event that a formal enforcement action is necessary, the consent to inspect will validate the inspection and strengthen violation(s) made against the regulated facility.

4. **Observation:** The training log of CUPA inspectors are maintained using the SWEEPS database management. However, the exact descriptions of the trainings are not identified.

Recommendation: Determine a way to include the title or brief description of the trainings attended by the inspectors in the SWEEPS database. The CUPA may also consider maintaining a separate on-going training log on a spreadsheet file that will include the dates, duration of the training, and the title and/or description of the trainings attended for all inspectors.

5. **Observation:** Tehama County CUPA's Area Plan was recently revised in July 2007.

Recommendation: Provide a copy of the revised Area Plan to the Governor's Office of Emergency Services.

Certified Unified Program Agency (CUPA)
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EXAMPLES OF OUTSTANDING PROGRAM IMPLEMENTATION

1. The CUPA demonstrates remarkable communication and relationship with the regulated business community. The CUPA program staff is committed to assisting and educating facilities of the regulatory requirements during meetings and inspections. The CUPA staff also assists facilities in completing the necessary Unified Program consolidated application forms.
2. Tehama County CUPA worked with their Environmental Circuit Prosecutor to pursue their first formal enforcement case against an underground storage tank (UST) facility.

In addition, the incidence report for this case is well-written, documenting all the events from the initial complaint received in December 2003 and the inspections since the complaint. The incidence report also included excellent evidence, such as photographs and various tests on the tanks, sumps, pipes, lines and leak detectors, and secondary containments.

3. The CUPA inspections are essentially conducted by two Environmental Health inspectors; one staff is dedicated entirely to the CUPA program, while the second staff also implements the Environmental Health's solid waste and medical waste programs. Both CUPA inspectors are very knowledgeable of the laws and regulations of the Unified Program elements. In addition to implementing the six Unified Program elements, the CUPA is also the Local Implementing Agency (LIA), overseeing the cleanup and investigation of unauthorized releases at UST facilities affecting the soil only. The Tehama County Environmental Health Department was also designated by the Health Officer to implement Methamphetamine Contaminated Property Act of 2005.
4. Tehama County CUPA has exceeded their triennial inspection frequency for the CalARP program within the last two fiscal years and also maintained the annual inspections of all their UST facilities within the last three fiscal years.
5. For coordination, consolidation, and consistency of the Unified Program, the CUPA staff regularly attends the Northern CUPA Forum regional meetings and participates in the Northern California UST TAG and Northern California Environmental Crimes Task Force. The CUPA is also a member of the CUPA Forum Board.